

**NATIONAL  
ADMINISTRATION  
GUIDELINE 6  
LEGISLATION**

Reviewed 2017

## **Nag 6 Legislation**

Each Board of Trustees is also expected to comply with all general legislation concerning requirements such as attendance, the length of the school day, and the length of the school year.

## **Policy 6: LEGISLATION POLICY (Nag 6)**

### **RATIONALE:**

A school needs sound administrative practices to ensure all legal administrative requirements are met.

### **PURPOSE:**

To comply with all general legislation requirements.

### **GUIDELINES**

1. Ensure that there are procedures and guidelines to cover general legislative requirements and compliance with these, including attendance, the length of the school day, and the length of the school year.
2. The principal shall ensure any new legislation requirements are addressed and that where necessary new guidelines are developed and implemented.

**In order to fulfil the policy, the board and management have developed, and will regularly review, the following procedures and guidelines associated with 'Legislation':**

- Attendance Procedures (NAG 5)
- Copyright and Licences
- Enrolment
- Police Vet for Employees (NAG 3)
- Privacy
- Protected Disclosure
- School Hours / School Year
- Search & Seizure
- Stand down & Suspensions
- Te Tiriti O Waitangi
- Uniform

A Creative Commons Policy is also included under Nag 6 to ensure that staff at St Joseph's School are able to share digital material legally.

A series of separate policies have been developed as part of our compliance with the Code of Practice for International students. These policies are included at the end of the NAG 6 section.

These policies are:

- Foreign Fee Paying Students
- Fees Protection Policy for International Students
- International Students Medical & Travel Insurance Policy
- Fees Refund Policy
- Accommodation Policy for International students
- Group Students – International Students
- Pastoral Care of International Students

## **6.1 Copyright and Licenses**

- 6.1.1** During the course of daily administration and curriculum delivery the school needs to comply with New Zealand copyright legislation. (the Copyright Act 1994 and the Copyright Infringing Sharing Amendment Act 2011)
- 6.1.2** All staff (teachers and support staff) are to comply with and be informed at least once a year (or if the licences change) of what is covered by the copyright licences held by the school (if any).
- 6.1.3** Staff are to be made aware that any photocopying that exceeds what is stated in each of the licences held by the school is deemed to be the responsibility of the individual and the school does not accept liability. New staff will be informed as part of the induction process.
- 6.1.4** Any staff member showing recordings outside of the terms of the Films Act or otherwise failing to comply with the act as defined in this policy is liable to a fine to a maximum of \$10,000.
- 6.1.5 Creative Commons.**

**St Joseph's Catholic School** wishes to encourage the open and free exchange of information, knowledge and resources; and support the collaborative production of intellectual property that is freely available to all.

### **The school:**

1. Asserts its copyright over school employee's' work created during the course of employment
2. Applies by default a Creative Commons By Attribution License (BY) to all its teaching materials and policies and to its other work wherever possible.
3. Intellectual property in relation to other work (other than teaching materials and policies) is protected by default and may only be waived or altered as detailed in clause 4 below and with the express agreement of the Principal
4. May make exceptions to the sharing of Intellectual Property (IP) it owns on a case by case basis with detailed reasons for limiting the free access to material; any such restrictions should be time dependent and will include consideration of applying other Creative Commons licenses to the work including Attribution-Share Alike (BY-SA), Attribution-Noncommercial (BY-NC), Attribution Non-commercial-Share Alike (BY-NC-SA), Attribution-No Derivative Works (BY-ND) and Attribution Noncommercial-No Derivative Works (BY-NC-ND).
5. Will transfer the copyright of created works to the original creator when a licence which meets the free cultural works definition (i.e. Creative Commons By Attribution License (BY) or Creative Commons Attribution-Share Alike (BY-SA)) is applied to them.

**St Joseph's Catholic School** encourages staff and students to support free and open access to Intellectual Property and also to apply the Creative Commons Attribution framework to work created in their capacity as individuals.

**St Joseph's Catholic School** does not make any claim over the ownership of outputs or outcomes of students' work. These belong to the creator.

**Definitions of Intellectual Property:** In this policy “intellectual property” includes the rights to all created work. Outputs are the products that are created by an individual or group of individuals. This may include for example artworks. Outcomes are the consequences or results arising from the development of, or use of IP other than products that are created from IP. Examples may include a publication such as a book, web site or, an exhibition.

**Ownership of IP and outputs arising from intellectual activity:**

In general all IP and the outputs and outcomes arising from that IP are owned by the creator. While **St Joseph’s Catholic School** will derive benefits from the outcomes; there are exceptions to this, as follows:

1. Outputs and IP created by staff in the course of their employment are owned by the school unless otherwise expressly agreed by way of contractual obligations in an employment agreement.
2. Outputs and IP will be jointly owned by the school and a staff member only where such joint ownership is expressly agreed between **St Joseph’s Catholic School** and the staff member.

**Clarity of Licensing:**

All published works should be clearly labelled using the appropriate symbol from the Creative Commons icon set.

**Disputes:**

Where there is a dispute over ownership, including co-ownership of IP, and/or the commercialisation of any co-owned IP, the following process will apply:

- a) In the first instance the dispute should be documented and presented to the school Principal.
- b) If the dispute is still not resolved then the documentation should be presented to the chairman of the Board of Trustees.
- c) Mediation with an appropriate authority will be undertaken if the dispute cannot be resolved by the Principal and / or the Chairman of the Board.

**Reviewed: October 2017**

## **6.2 Enrolment**

**6.2.1** The maximum roll is stated in the school’s Integration Agreement with the Ministry of Education. The number of places available for non-preference students is governed by the maximum number allowed under the school’s Integration Agreement. Preference children (as determined by the NZ Bishops’ Conference preference of enrolment criteria) receive preferential entry into St Joseph’s School.

**6.2.2** On receipt of a completed and signed **Application for Enrolment** form and verification of preference status, age and nationality the school will:

- \* date the application
- \* place the application into one of two categories:

A. New Entrant

The child's name is entered in the Pre-Enrolment Register and a decision will be made re their acceptance / non acceptance by the end of October of the year prior to the child's start date.

#### B. Other

If there is a vacancy on the roll at the time of the application being received and the criteria for enrolment is met, the child may be enrolled immediately.

Should there not be a vacancy at the time, details of the application will be entered in the Pre-Enrolment Register and the parents notified of a vacancy and offered enrolment subject to the criteria for enrolment as stated in this Policy.

- 6.2.3** A Pre-Enrolment Register will be maintained at the School. Pre-Enrolment does not guarantee acceptance.
- 6.2.4** Applications for the coming year should be received by 1 August of the previous year.
- 6.2.5** During September the Principal will ascertain as far as possible who will continue to be present for the following year. Once the number of places available for the following year has been established then letters of acceptance can be sent to pupils whose names are on the Pre-Enrolment Register and who meet the criteria for enrolment as stated in this policy. If there is no response to the letter within two weeks of posting, the application will lapse.
- 6.2.6** When applications for enrolment exceed the number of vacancies available on the roll, the following criteria will apply in the order of priority A – G.
- A. The child is a sibling of a preference child already at the school.
  - B. The parents are members of the Pukekohe, Waiuku or Tuakau parish and hold a signed preference card and the child is a New Entrant. (Year 0/1)
  - C. The parents live in the Pukekohe, Waiuku or Tuakau parish and hold a signed preference card.
  - D. The parents/caregivers hold a signed preference card and live outside the Pukekohe, Waiuku or Tuakau parish.
  - E. The child has a sibling presently at the school.
  - F. The child is the son or daughter of a past pupil or staff member.
  - G. The parents/caregivers are non-preference applicants.
- 6.2.7** Provided the Parish Priest is consulted by the Principal, the Principal may exercise discretion in seeking to enrol a child /children who do not meet the order of criteria as stated above.
- 6.2.8** If qualifying applications in the criteria exceed the vacancies available, then acceptance will be determined by the date of the receipt of the application at the school office.
- 6.2.9** If the total number of applicants is greater than the number of places available, unsuccessful applicants will have their names recorded on a waiting list, within their relevant priority category. The waiting list will remain **valid for the current year** following notification of an unsuccessful application. Applicants on the waiting list may be offered places during the year if places become available. If

applicants wish to remain on the waiting list after the current year they will need to inform the school in writing.

**Reviewed: October 2017**

### **6.3 Privacy Act**

- 6.3.1** The Board will ensure that the Privacy Act (1993) and any amendments to it are upheld.
- 6.3.2** The Board will appoint a “Privacy Officer” (principal) to ensure that the school operates in such a manner as to assure the ongoing educational benefit of our students while acting within the boundaries of the Privacy Act. (Principle II Section A)
- 6.3.3** Staff home phone numbers are not to be given to anyone outside the staff without the permission of the teachers concerned.
- 6.3.4** A staff list, with staff numbers, will be made available to staff. If any staff member does not wish to have their home telephone number on this list they need to advise the Principal. Staff are asked to keep this list confidential at all times.
- 6.3.5** On enrolment of new pupils, parents will be asked to sign the enrolment form giving permission for student’s personal information to be used (see enrolment form) as below.
  - a) Students’ or families’ personal information will only be accessed by the Principal, School Administration staff and Teachers.
  - b) Aspects of students’ or families’ personal information may be made available on an as needs basis to the Ministry of Education and their agencies, the school’s proprietor’s representatives, school health personnel and *eTAP* who are responsible for our school computerized assessment package.
  - c) When a student is enrolled, permission will be sought to release personal phone numbers to PTA.
- 6.3.6** Complaints received by the school with respect to alleged non-compliance with the Act, shall be immediately passed to the Privacy Officer who shall investigate and take appropriate action.

**Reviewed: October 2017**

### **6.4 Protected Disclosures**

- 6.3.7** Under the Protected Disclosures Act 2000, schools are required to “have in operation appropriate internal procedures for receiving and dealing with information about serious wrongdoing in or by that organisation”
- 6.3.8** The Act is to protect “whistleblowers” – employees who believe on reasonable grounds that they have evidence of wrongdoing and who wish in good faith to disclose the information they have, believing it to be true or likely to be true.

Employees who wish further information about disclosures are entitled, without prejudice, to have a copy of the Act and be directed to Sections 15 – 19 which provide guidance in making disclosures and describe the nature of the protections available (including; personal grievance, immunity from civil and criminal proceedings, confidentiality).

- 6.3.9** Employees who discover wrongdoing should disclose it to the Principal as a matter of Public Interest.
- 6.3.10** If the wrongdoing is being done by the Principal, the employee should make the disclosure to the Chairperson of the Board of Trustees.
- 6.3.11** If the employee believes the Principal and the Chairperson are inappropriate people to disclose to because of their friendship, or if it is believed that both are involved in the wrongdoing, the employee may meet with the Deputy Principal or the Deputy Chairperson.
- 6.3.12** The Deputy Principal and Deputy Chairperson may investigate and take appropriate action, including reporting to the police or the Minister of Education. They must keep the employee informed.
- 6.3.13** If the employee finds that these people have taken no action or recommended action within 20 working days after disclosure, he/she may make a disclosure to the “appropriate authority” (see *Procedures for making a protected disclosure under the Protected Disclosures Act 2000 - “Who is an Appropriate Authority”*)
- 6.3.14** Any investigation must be carried out with regard to the principles of natural justice and in a procedurally fair manner.
- 6.3.15** Protection is not conferred if the allegation is made knowing it to be false or is acting in bad faith.

## **Protected Disclosures Act 2000**

Information for Staff

### Introduction

The *Protected Disclosures Act 2000* came into effect on 1 January 2001. The Act requires that public sector organisations such as schools have an internal process that staff can use if they wish to make a protected disclosure. The following information details this process and provides you with information about the protections given in the Act.

### Who can make a protected disclosure?

Are you:

- A staff member [either temporary or permanent]
- A contractor supplying services to the school
- A former staff member [either temporary or permanent]

If you fit into any of these categories you are able to make a disclosure under the provisions of this Act.

**Note:** *The Act does not apply to parents or Board of Trustees members unless they are staff members of the school. It is for the protection of employees. For the purposes of this Act the Board of Trustees is the employer.*

*As a public sector organisation boards are required to have an internal procedure for staff, contractors, or former employees to make protected disclosures within the school.*



## What is a “protected disclosure”?

Protected means that as long as you have reasonable grounds to believe that a serious wrongdoing is being done by or in the organization by the above people you can report in good faith asking that the wrongdoing be investigated without worrying about negative consequences.

*It is important to remember that this is an Act to protect employees and the disclosure will be about the employer or another employee/s **not a student or parent.***

## What is a serious wrongdoing?

The Act defines a serious wrongdoing as being any of the following:

- (a) an unlawful, corrupt, or irregular use of public funds or public resources; or
- (b) an act, omission, or course of conduct that constitutes a serious risk to public health or public safety or the environment; or
- (c) an act, omission, or course of conduct that constitutes a serious risk to the maintenance of law, including the prevention, investigation, and detection of offences and the right to a fair trial; or
- (d) an act, omission, or course of conduct that constitutes an offence; or
- (e) an act, omission, or course of conduct by a public official that is oppressive, improperly discriminatory, or grossly negligent, or that constitutes gross mismanagement,---

## How am I protected?

You are “protected” when making a disclosure in the following ways:

- your identity will be confidential unless you give permission to be identified\*
- you cannot be victimised by your employer for having disclosed the information
- you are not liable for civil or criminal proceedings for disclosing the information
- if you believe that you have been unfairly treated in your job or unreasonably dismissed following a disclosure you can take a personal grievance against your employer.

\*There are some limitations to this described in the Act. These are:

- (1) Every person to whom a protected disclosure is made or referred must use his or her best endeavours not to disclose information that might identify the person who made the protected disclosure unless---
  - (a) that person consents in writing to the disclosure of that information; or
  - (b) the person who has acquired knowledge of the protected disclosure reasonably believes that disclosure of identifying information---
    - (i) is essential to the effective investigation of the allegations in the protected disclosure; or
    - (ii) is essential to prevent serious risk to public health or public safety or the environment; or
    - (iii) is essential having regard to the principles of natural justice.
- (2) A request for information under the *Official Information Act 1982* [other than one made by a member of the police for the purpose of investigating an offence] may be refused, as contrary to this Act, if it might identify a person who has made a protected disclosure.”

This protection depends on you making the disclosure in accordance with the internal procedure.

Procedures for making a protected disclosure under the *Protected Disclosures Act 2000.*

1. If on reasonable grounds you believe you have information that a serious wrongdoing is occurring [or may occur] within the school and you wish to disclose that information so it can be investigated you can make a protected disclosure to the principal.
2. This can be done verbally or in writing. You should identify that the disclosure is being made under the Protected Disclosures Act and is following the board procedure, provide detail of the complaint [disclosure], and who the complaint is against.
3. If you believe that the principal is involved in the wrongdoing, or has an association with the person committing the wrongdoing that would make it inappropriate to disclose to them, then you can make the disclosure to the chairperson of the board of trustees.
4. It is then up to the person you disclose to, to decide if the disclosure constitutes a serious wrongdoing, and that the allegations need investigating. They can decide:
  - (a) to investigate the disclosure themselves
  - (b) to forward the disclosure to the board or a committee of the board to investigate
  - (c) whether it needs to be passed on to an appropriate authority. If it goes to an appropriate authority they will advise you that they are now investigating the complaint.
5. If you believe that both the principal and the chairperson of the board of trustees may be a party to the wrongdoing or in close relationship with the person/s involved in the wrongdoing you may meet with the Deputy Principal or the Deputy Chairperson. If you find that these people have taken no action or recommended action within 20 working days after the disclosure you can approach an external “**appropriate authority**” direct yourself.

### **Who is an “appropriate authority”?**

6. As noted above, in some circumstances the disclosure could be made to an appropriate authority by yourself or the person to whom you have made the disclosure. An appropriate authority is defined in the Act as including:
  - (a) includes---
    - (i) the Commissioner of Police:
    - (ii) the Controller and Auditor-General:
    - (iii) the Director of the Serious Fraud Office:
    - (iv) the Inspector-General of Intelligence and Security:
    - (v) an Ombudsman:
    - (vi) the Parliamentary Commissioner for the Environment:
    - (vii) the Police Complaints Authority:
    - (viii) the Solicitor-General:
    - (ix) the State Services Commissioner:
    - (x) the Health and Disability Commissioner; and
  - (b) includes the head of every public sector organization, whether or not mentioned in paragraph (a).”
7. Clause (b) can mean that in certain circumstances the appropriate authority could be the Secretary for Education of the Ministry of Education or the Chief Review Officer of the Education Review Office (ERO).

### **Why can't I just go to the appropriate authority myself?**

8. There are three circumstances when you can go directly to the appropriate authority:

- (a) When you believe that the head of the organisation is also a party to the wrongdoing or has an association with the person which would make it inappropriate for them to investigate.
- (b) If the matter needs urgent attention or there are other exceptional circumstances.
- (c) If after 20 working days there has been no action or recommended action on the matter to which the disclosure related. Otherwise you need to go through the internal processes.

### **What happens if even the appropriate authority does nothing?**

- 9. You could then make the disclosure to the Ombudsman [unless they were the authority you have already disclosed to] or a Minister of the Crown.
- 10. The Act does not protect you if you disclose information to the media or a member of parliament other than a Minister of the Crown in the circumstances referred to above.

### **Where can I find out more information?**

- 11. If you notify the Office of the Ombudsman verbally or in writing, that you have disclosed or are considering a disclosure under this Act, they must provide information and guidance on a number of matters including those discussed here and the protections and remedies available under the *Human Rights Act 1993* if the disclosure leads to victimisation.

***Reviewed: October 2017***

## **6.5 School Hours / School Year**

- 6.5.1** The Board shall ensure that the requirements of the legislation in respect of the school hours and the school year are met.
- 6.5.2** The Principal shall, as appropriate, report to the Board with respect to details of compliance.
- 6.5.3** Prior to the end of the school year the Principal will establish for the following year, the days the school will be open.
- 6.5.4** The school day is from 8.45am until 2:45pm. Supervision will be provided for students during this time.

***Reviewed: October 2017***

## **6.6 Search & Seizure**

**For up to date information pertaining to searching students and confiscation refer to the Ministry of Education's document "Searching students and confiscation"**

**published in 2011 and available on the Ministry of Education's website. All school leadership staff have been given a copy of this document.**

- 6.6.1** If a student has or is believed to have, an item that poses an immediate or direct threat to their own or other's safety, it is open to the school to confiscate that item – if visible or, if not, to conduct a search. This does not however extend to:
- Any use of force, other than in an emergency situation where school staff are acting to defend themselves or others against immediate harm; and
  - Searches of a student's person other than of outer clothing.
- 6.6.3** If a staff member is unable to conduct a search safely, or if it is considered inappropriate due to the likely presence of highly dangerous or illegal items, the search should be stopped. The staff member should then ensure the student and the belongings in question are under supervision in a safe place and contact the Police.
- 6.6.4** While the police may search students, they do not do it on a school's behalf. If they believe they have grounds to search (at school or elsewhere), detain or arrest a student they will follow the procedures appropriate to the conduct of the Police.

***Reviewed: October 2017***

## **6.7 Stand Downs & Suspensions**

- 6.7.1** The principal has the right to stand down or suspend students as per the guidelines outlined in the Ministry of Education Publication, "Guidance for Principals and Boards of Trustees on Stand-Downs, Suspensions, Exclusions and Expulsions" (Updated 07 March 2008)
- 6.7.2** When standing down or suspending a student the principal will follow the guidelines as outlined in the above publication. These guidelines include procedures for notifying parents, the Board of Trustees and the Ministry of Education.

***Reviewed: October 2017***

## **6.8 Te Tiriti o Waitangi Procedure (NAG 6)**

- 6.8.1** Maori people are the Tangata Whenua, the indigenous people of Aotearoa, New Zealand. As part of the holistic Catholic education programme at St Joseph's School and in accordance with the Treaty of Waitangi, students require a knowledge and understanding of New Zealand culture which includes Tikanga Maori.
- 6.8.2** St Joseph's school has a crucial role to play in nurturing and promoting the development of this, remembering that the future growth and development of a harmonious New Zealand society depends on people who have developed bicultural and bilingual skills and understanding.

- 6.8.3 As a Catholic school, it is our duty to reflect and act on the honouring of the Treaty of Waitangi as the foundational document of Aotearoa New Zealand.
- 6.8.4 Taha Maori (a Maori dimension), will permeate the whole school life and include aspects of the language (Te Reo Maori), and culture (Tikanga Maori).
- 6.8.5 Respect for other people's tapu/mana, provision of equity for all, and acknowledgement of differences, are key gospel values promoted in our school.
- 6.8.6 Taha Maori programmes need to be supported with both human and material resources.
- 6.8.7 Aspects of Taha Maori will be included in teacher's' plans remembering that Taha Maori permeates all learning.
- 6.8.8 Te Reo Maori, the Maori language, is the heart of the Maori culture. A knowledge of the basics of Te Reo is essential to an understanding of New Zealand identity.
- 6.8.9 Consultation with the school Maori community will help to determine the local goals and expectations for education of Maori students at St Joseph's School.
- 6.8.10 The school wherever possible will use the local Maaori community as a resource for perspective and experiences.
- 6.8.11 School assessment systems will monitor and evaluate the performance and needs of Maori students.
- ~~6.8.12 Our school's Taha Maori Education plan outlines an implementation plan for our school.~~ to be completed 2018

**Reviewed: October 2017**

## **6.8 Uniform**

All children are required to wear the correct uniform at all times. Hair, if long, must be tied back with dark green, dark brown, black or white hair ties, be off the face, and kept tidy. Fingernails are to be kept reasonably short and clean and no nail varnish is permitted. No jewellery, other than a watch and one pair of plain stud earrings, may be worn with the uniform. For health reasons, sunhats must be worn in the playground in Terms 1 & 4. Children who attend St Joseph's may not have their hair dyed. This includes the use of products that bleach children's hair.

### **Winter -Girls**

Green tartan pinafore/skirt. Year 5 & 8 girls wear a skirt while the Years 0-4 wear a pinafore which consists of the same skirt as the Years 5-8 with a bib attached. Girls' uniform should be at least knee length. These are both available from the school's official uniform supplier. Material is available from David Mills Ltd, King Street-and the pattern is available from the school office with a refundable \$10:00 bond.

White Blouse – Year 5 – 8 girls white school blouse which is a short sleeved blouse with a split hem. White ankle or knee-high socks and totally black leather/waterproof school shoes.

### **Summer-Girls:**

Green summer tunic. Totally black or brown sandals. The sandal must have a heel strap, and no colour variations are allowed. Roman sandals remain an acceptable option.

### **Winter-Boys**

Grey shorts (heavy-weight) St Joseph's School Grey Polo shirt, long or short sleeved, available from the school's official uniform supplier. Grey knee length socks and totally black leather/waterproof school shoes.

### **Summer-Boys**

Grey shorts (light-weight) Short sleeved polo shirt available from the school's official uniform supplier. Totally black or brown sandals. The sandal must have a heel strap, and no colour variations are allowed. Roman sandals remain an acceptable option.

**School Jersey/Polar Fleece** for boys and girls. This is a regulation green woollen jersey or polar fleece available from the school's official uniform supplier. (Alternative sweatshirts are not an option.)

### **Polar Fleece Vest**

Boys and girls may wear the school green polar fleece vest as an optional extra. These are available from the school's official uniform supplier.

### **School Jackets**

These are optional for outdoor use but are not to be worn inside. These are available from the school's official uniform supplier.

### **School Beanie: Terms 2 & 3 only.**

These are optional and available through our school's official uniform supplier.

**Year 8 Pupils** may wear winter footwear for Term 4. Year 8 girls may wear the winter uniform for Term 4 if they wish.

**Hats:** All pupils must wear the official school sunhat in Terms 1 & 4.

### **Sports Uniforms**

Boys and Girls - Y3 to Y8. Dark green shorts cotton or nylon. Green Polo shirt with school monogram on front - available from the school's official uniform supplier. Sports uniforms are not compulsory in Years 1 & 2. When representing the school students may wear dark green or black track pants for warmth with the school jersey/polar fleece, jacket or vest.

Year 7 & 8 students may wear black or dark green track pants for PE instead of the green shorts. During Terms 2 & 3, Year 3-6 students may wear black or dark green track pants for school fitness and PE lessons. These must not be worn when competing in sports events.

If Maori Whànau would like their children to wear Taonga, specifically greenstone and bone, they are requested to inform the Principal to identify the wearer. If any other child is required to wear any item of clothing / jewellery directly associated with their culture, they must also inform the principal who will ascertain the appropriateness of wearing such items at our school.

The Board of Trustees main concern continues to be safety and therefore it is recommended Taonga be removed when students are involved in any sport. The wearer is responsible for the security of their Taonga, or any other items of clothing / jewellery they are required to wear.

**Reviewed: October 2017**

## **St Joseph's School Pukekohe Foreign Fee Paying Students**

### **Definition:**

International students (also called Foreign Fee Paying students) are those foreign students who come to New Zealand on a student permit, and pay international students' fees, to be educated in New Zealand. They do not include exchange students, refugees or students who have been granted permanent status.

### **Rationale:**

1. Pastoral – There is a need for Catholic schools to welcome students from other cultures. “This concrete means of overcoming the fear of others with doubt constitutes a decisive step towards peace within our society.” (Pope John Paul II, Congress of Catholic Schools in Europe, April 2001.)
2. Equity – Foreign students develop New Zealand students' awareness of Third World, international, social, economic and justice issues. They also enable students to release some of the unconscious prejudices about foreigners..
3. Educational – Through contact with foreign students, New Zealand students develop their understanding of world geography and cultural differences. They therefore begin to develop an international viewpoint, and to create friendships which promote international understanding.
4. International relationships – New Zealand's positive international standing is enhanced in the long term by offering educational opportunities for overseas students.
5. School viability – The school is able to benefit from the earnings of foreign fee paying students.
6. The fee structure for foreign fee-paying students shall be calculated at the sole discretion of the Board of Trustees with reference to the formula provided by the current Ministry of Education guidelines for primary and secondary schools.
7. Unless they are living with their parents, long-term foreign fee paying students attending St Joseph's School must be either Year 7 or 8 students. i.e. between 11-13 years of age.

### **Guidelines:**

1. St Joseph's School acknowledges the government regulations in respect to Foreign Fee Paying students, in particular:
  - A. The Code of Practice for the Pastoral Care of International Students (2016)
  - B. The Immigration Act, 2009 which outlines the documentation students must have – this includes a valid passport and visa/permit.

- C. The Ministry of Education Circular 2012/01 which outlines the rules for student enrolment and record keeping requirements.
- D. Fair Trading Act 1986, which ensures St Joseph's School provides fair and accurate information to prospective students.

2. St Joseph's School will ensure that marketing and promotion to prospective international students includes clear, sufficient and accurate information enabling informed choices.

4. St Joseph's School will a) support the parents or legal guardians of international students to make well-informed enrolment decisions that are appropriate to the educational outcomes sought; and (b) ensure that the parents or legal guardians of international students have the information required to understand their interests and obligations before entering into a legally binding contract with the school; and (c) ensure that proper documentation is kept and, where appropriate, provided to the parents or legal guardians of international students

5. International students attending St Joseph's School must have the opportunity to participate in a well-designed and age-appropriate programme that supports the student's educational instruction from the outset.

6. St Joseph's School will provide a safe study environment and adequate support for the well-being of any enrolled international students. The school will ensure that international students are fully informed in regards to the education being offered at this school, the Dispute Resolution Scheme (DRS), study and living costs, and accommodation and transport arrangements.

7. St Joseph's School will ensure the fees paid by international students (including programme-related costs, accommodation, and living expenses) are protected in the event of student withdrawal, or programme closure.

8. St Joseph's School will ensure that all international students have access to proper and fair procedures for dealing with grievances.

9. St Joseph's School will insure that they have the appropriate International Students' Insurance in place before enrolling any International students.

***Reviewed: October 2017***

## **ST JOSEPH'S SCHOOL PUKEKOHE FEES PROTECTION POLICY – International Students**

### Rationale

International Student fees must be handled in a way that ensures those funds are accessed in a way that is consistent with normal accounting practice. This means that those funds are secure from misappropriation and are only made available to the school in accord with the Refunds Policy or should the school not be able to continue tuition.

### Purpose

1. To ensure that funds from international students are accounted for separately and in such a way that individual student contributions can be monitored.
2. To ensure that fees paid by international students for educational instruction in New Zealand are secure and protected in the event of student withdrawal or the ending of educational instruction.



3. To ensure that ST JOSEPH'S SCHOOL, PUKEKOHE does get payment in full for those services provided.
4. To ensure that international students' payment may be drawn down in accord with the Refund Policy.

#### Guidelines

1. Accounting procedures are in place to ensure that monies are available for release.
2. International fees shall be paid into the school's general account, under a separate code, 'Foreign Fees', and drawn down at intervals of one term in arrears throughout the academic year.
3. These monies will be audited separately on an annual basis.
4. These monies will be available for approved refunds resulting from withdrawal from ST JOSEPH'S SCHOOL, PUKEKOHE or in the event of the School/College not being able to provide tuition.

#### Evidence

1. Accounting records
2. General School Account

#### Evaluation

The **BOARD OF TRUSTEES FINANCE SUB COMMITTEE** shall report to the Board of Trustees *annually* with reference to the effectiveness of the policy.

***Reviewed: October 2017***

## **ST JOSEPH'S SCHOOL PUKEKOHE International Students Medical & Travel Insurance Policy**

### **Rational**

To ensure all international students have access to appropriate health care and have suitable insurance against unforeseen circumstances all International students are required to have appropriate Medical & Travel Insurance.

### **Requirements**

- All international students attending St Joseph's School must have appropriate and current medical insurance.
- Evidence of medical & travel insurance must be provided on enrolment.
- An overseas insurance policy will only be accepted if it is accompanied with an English translation
- The policy must cover the entire period of time for which the international student is seeking enrolment at St Joseph's School Pukekohe and must cover:
  - the student's travel to and from New Zealand
  - within New Zealand
  - medical care in New Zealand, including diagnosis, prescription, surgery, and hospitalisation

- o repatriation or expatriation of the student as a result of serious illness or injury, including cover of travel costs incurred by family members assisting repatriation or expatriation
- o death of the student, including cover of—travel costs of family members to and from New Zealand; costs of repatriation or expatriation of the body; and funeral expenses.
- Any claims against the policy are the sole responsibility of the parents or designated caregiver/agent.
- The parents or designated caregivers/agent are required to give a copy of the Medical & Travel Insurance policy to the school.

***Reviewed: October 2017***

## **ST JOSEPH'S SCHOOL PUKEKOHE International Students Fees Refund Policy**

1. If a child is withdrawn from the school before the end of a year's study the parent/caregiver may be eligible for a refund of school fees.
2. An application for refund must be made in writing. The application must be submitted to the Board of Trustees explaining why the child has been withdrawn and the reasons for seeking a refund.
3. If the application for refund is made before the start of the study year, fees will be refunded in full less an administration charge of \$50 to cover costs incurred by the school.
4. If the application is made after the start of study, but before the second half of the year fees will be refunded less:
  - An administration charge of \$400
  - Costs to the school already incurred for tuition
  - Components of the fee already committed for the duration of the course, including appropriate proportions of salaries of teachers and support staff
  - Costs already incurred for the use of facilities and resources
  - The proportion of the Ministry of Education Annual Levy the school is required to pay
  - Any costs already incurred.
5. If an application is made after the second half of the year's study a refund will not be given except in exceptional circumstances as determined by the school principal.
6. The Board of Trustees will make no refund to a student who:
  - Is expelled from the school
  - Who does not notify the school prior to his/her departure.
7. A refund to cover fees of up to one semester (two school terms) will be made to a student who is granted permanent residency that year, provided evidence is presented to the school prior to the completion of semester one. No refund of fees will be made after the end of semester one. The refund will be granted at the discretion of the Principal.

***Reviewed: October 2017***

# ST JOSEPH'S SCHOOL PUKEKOHE

## ACCOMMODATION POLICY FOR INTERNATIONAL STUDENTS

**SJ JOSEPH'S SCHOOL PUKEKOHE** undertakes to comply with the accommodation provisions set out in Part 6 of the Ministry of Education Code of Practice for the Pastoral Care of International Students. The categories of accommodation that will be accepted by the school are:

- i) Living with a parent
- ii) Living with a designated caregiver
- iii) Living in a homestay

### POLICY OBJECTIVES

1. To provide a suitable living environment conducive to study and a safe and supportive home life.
2. To involve the residential carer in the welfare of a student away from the student's family and home country.
3. To assist the student to successfully integrate into the New Zealand lifestyle.
4. To work towards the overseas parents' peace of mind knowing that the student is well cared for and happy in New Zealand.

### PROVISION OF ACCOMMODATION

**ST JOSEPH'S SCHOOL PUKEKOHE** will arrange accommodation for international students according to the Code of Practice for the Pastoral Care of International Students. **ST JOSEPH'S SCHOOL PUKEKOHE may assign specific responsibilities to an Accommodation Agent as listed below and set out in an agreement with these Accommodation Agencies.**

### ADMINISTRATIVE REQUIREMENTS AND UNDERSTANDINGS

#### General

1. Students under 18 years will not be permitted to rent a flat/room/house/apartment or live on their own.
2. All accommodation queries and issues will be dealt with initially by the designated person/unit for accommodation. Pastoral care issues or concerns arising from accommodation arrangements will be referred to the principal.
3. For each student, the full name, current address, contact phone number, occupation and relationship to student of the residential caregiver will be held.
4. Any serious concerns relating to accommodation will be reported to the Code Administrator.

#### Students not living with a parent

For all students under 18 years and not living with a parent:

1. Any accommodation to be used by international students will have:
  - An on-site assessment to determine that living conditions are of an acceptable standard.
  - If a homestay or designated caregiver, an assessment to determine that the accommodation type is not a boarding establishment.
  - An assessment of the residential carer's suitability and whether they will provide a safe physical and emotional environment.

2. Each student will be interviewed at least quarterly to ensure that their accommodation is suitable. This will be done by the school principal with the help of an interpreter if needed. In these quarterly interviews the principal will discuss with the students:
  - The students living circumstances
  - Activities they undertake with their accommodation carer (e.g. homestay family, designated caregiver)
  - Any issues that have arisen out of their living situationThe principal must record this interview in a form that can and must be made available to the Administrator if requested. The principal must notify the Administrator, if requested, of the addresses and number of students the school currently has accommodated there.
3. All accommodation residences will be visited at least twice yearly to ensure that they remain suitable.
4. Police vetting will be carried out on all adults aged 18 years and over living in a homestay, or designated caregiver accommodation used by a student.
5. **ST JOSEPH'S SCHOOL PUKEKOHE** will conduct follow up visits if there are reasonable grounds to suspect that the accommodation has become unsuitable.

### Homestay

1. Students in the school homestay programme must make homestay payments two weeks in advance.
2. Students must not make their own private homestay arrangements without the approval of the principal of **ST JOSEPH'S SCHOOL PUKEKOHE**.
3. Students staying in a homestay are required to exhibit appropriate behaviour.
4. Where a student's behaviour or demands are such that homestay hosts can not reasonably be expected to have the student continue in their care, the homestay service may be discontinued and the student may be sent home.
5. Where the homestay student wishes to withdraw from the programme, at least two weeks notice must be given in writing to the Principal.
6. Advice and a support infrastructure for homestay carers will be provided by **ST JOSEPH'S SCHOOL PUKEKOHE** or this may be designated by the school to an Accommodation Agent.

### Designated Caregivers

1. Parents of each student living with a designated caregiver are required to sign an indemnity document stating that the designated caregiver is a relative or close family friend and that the parents have selected the accommodation for their child, subject to the principal of **ST JOSEPH'S SCHOOL PUKEKOHE** approving the accommodation.
2. On or before enrolment, **ST JOSEPH'S SCHOOL PUKEKOHE** will meet and establish communication with the designated caregiver.
3. The relationship between the designated caregiver and student's parents will be checked to confirm that they are a bona fide relative or parent's friend.

### **DIVISIONS OF RESPONSIBILITY**

**ST JOSEPH'S SCHOOL PUKEKOHE** will be responsible for:

- Providing a 24/7 emergency contact person for problems with accommodation.
- Monitoring the activities of any Accommodation Agents at least once a quarter.
- Recording the results of all quarterly student interviews.

### Accommodation Agent

The Accommodation Agent may be assigned any of the following responsibilities by **ST JOSEPH'S SCHOOL PUKEKOHE**.

- Selecting, monitoring and approving all accommodation.
- Providing a support infrastructure for homestay carers.
- Recording the results of all accommodation assessments.
- Keeping the principal informed of all accommodation arrangements, assessments, concerns etc.

If any of these responsibilities are assigned to an Accommodation Agency there would need to be a formal agreement between the school and the Accommodation Agent detailing these responsibilities.

### Caregivers

**ST JOSEPH'S SCHOOL PUKEKOHE** will expect all residential caregivers to:

- Provide a safe and friendly living and studying environment.
- Provide day to day care including:
  - 3 meals a day and access to snacks
  - own room
  - bed and bedding
  - study desk and chair
  - adequate bedroom furniture to store clothes, books etc.
  - lamp and adequate lighting
  - adequate heating
  - transport arrangements to and from school
  - bathing/showering/bathroom access
  - laundry
- Treat the student with respect.
- Make the student feel comfortable and part of the family.
- Notify the school if there are any changes or additions to the household.
- Notify the school immediately if there are any problems with the student. E.g. medical condition, misconduct.
- **Notify the school immediately if the student seems very homesick or depressed.**
- Look after the student in their home to the best of their ability.

### Host Families will not be expected to:

- Pay for toll or mobile phone calls.
- Cook special food.
- Insure the student's goods or pay for property the student damages or loses.
- Offer accommodation to visiting friends or relatives.
- Comply with unreasonable requests.

### **Grievance Procedures**

- **If any international student, their parents, or local host families have any grievance in terms of accommodation arrangements they should follow the St Joseph's School's complaint process. If after following this process they are dissatisfied with the outcome, they can make a complaint to NZQA or (in the case of financial and contractual disputes) to FairWay Resolution, the appointed operator of the Dispute Resolution Scheme (DRS). Students / families may contact FairWay Resolution, the DRS operator, through the following link**  
<http://www.fairwayresolution.com/istudent-complaints>.

# ST JOSEPH'S SCHOOL, PUKEKOHE

## GROUP STUDENTS POLICY – INTERNATIONAL STUDENTS

### RATIONALE:

**ST JOSEPH'S SCHOOL PUKEKOHE** has developed a Group Student Policy –

- To ensure the safety, well-being of the students and the quality of academic and social education of all groups of International Students studying at ST JOSEPH'S SCHOOL PUKEKOHE.
- To ensure compliance with the Ministry of Education's Code of Practice for the Pastoral Care of International Students (2016) (The Code of Practice).

Note – a group is defined as two or more students who travel and study together for no more than three months. They may be on a group visa or a visitor's visa.

1. ST JOSEPH'S SCHOOL PUKEKOHE policies and procedures relating to the Code of Practice will apply to Group Students – see ST JOSEPH'S SCHOOL PUKEKOHE policies and procedures, **Application and Information sheet, International Students' Handbooks.**
2. Information given to group students will be adjusted to meet the requirements of the particular group and the period of study. Such information will be provided in writing and separately.
3. An application/enrolment form will be completed for each student giving full contact details and any special health or other needs.
  - Individual forms must be signed by the parent and forms the contract between the school and the parent.
  - A group form containing the above details may be used for groups of students who are visiting rather than enrolling at the school.
4. All group student arrangements and conditions shall be set out in an agreement to be signed by the school and the group organiser.

### MEDICAL AND TRAVEL INSURANCE POLICY

#### Policy Requirement Advice

1. All group students are required to have appropriate Medical and Travel Insurance as specified in The Code of Practice.
2. The school shall advise all prospective groups about Medical and Travel Insurance requirements in the standard wording in the prospectus and with the Offer of Place letter.
3. Groups should have combined Medical and Travel Insurance on one policy however separate policies are permitted.
4. Groups purchasing insurance through a New Zealand insurer should purchase insurance cover before they travel to study at ST JOSEPH'S SCHOOL PUKEKOHE.
5. Where insurance is provided from a New Zealand company policy details should be provided in the group's first language where possible.
6. In the case of **overseas policy providers** students must provide ST JOSEPH'S SCHOOL with the policy details in English.

### **Verification of Policies**

ST JOSEPH'S SCHOOL must verify groups are in receipt of an acceptable Medical and Travel Insurance policy.

Verification of policies will be undertaken by the Principal prior to enrolment.

1. As part of the verification process, THE PRINCIPAL shall ensure that:
  - The insurer/re-insurer is a reputable and established company with substantial experience in the Travel Insurance business, and has a credit rating no lower than A from Standard and Poors, or B+ from A M Best.
  - The Insurer is able to provide emergency 24-hour, 7 day per week cover.
  - Students have a “certificate of currency” and policy wording from the Insurance company stating that the student has purchased the cover for the duration of the planned period of study. The certificate and policy wording must also detail medical sums insured, repatriation benefits etc.

***Where a group is not in possession of an appropriate and current medical and travel insurance policy THE PRINCIPAL undertakes to:***

- *Advise the group of the medical and travel insurance requirement.*
- *Provide the group with a default policy which meets the requirements of the Code of Practice Guidelines. The cost of the insurance will be met by the group.*

### **Recording of Policy Details**

*For each group THE PRINCIPAL shall record the:*

- a. *Name of the Insurer*
- b. *Policy number*
- c. *Policy start and end dates.*

### **Policy Renewals**

*For each group, prior to the expiry of their medical and travel insurance policy, THE PRINCIPAL shall issue a written reminder to the student or group supervisor advising that policy renewal must be completed.*

### **GROUP SUPERVISION**

*Supervision will be provided to all groups students. Dependent on the individual group circumstances supervision will be provided by the following:*

- *Tour guide*
- *A tour agent*
- *A homestay manager/parent*
- *A teacher*
- *A non-teaching staff member*
- *A parent*
- *A student adviser*
- *A professional(s) in the particular activity*

*Wherever possible same-language speakers, preferably fluent in English, will accompany the group.*

5. *Where the students participate in school organised outdoor activities or visits the ratio of adult: student supervision required by the Ministry of Education for domestic students will pertain. – 1:10 maximum. Should the activity involve specific outdoor activities such as water sports the group will be accompanied by a suitably skilled*

*staff member(s) or professional(s) in accordance with the school's Education Outside The Classroom (EOTC) policy.*

- 6. All designated supervisors must have the required skills, knowledge and attributes as outlined in the Code of Practice Section 3.2. Where a supervisor is not a ST JOSEPH'S SCHOOL staff member, it is the responsibility of ST JOSEPH'S SCHOOL to provide the designated supervisor with the required skills and knowledge.*

*Should an **emergency** situation arise the senior ST JOSEPH'S SCHOOL staff member will be responsible for all actions taken and will follow the procedures laid down in ST JOSEPH'S SCHOOL'S EOTC policy.*

- She/he will in conjunction with the group leader notify the school and the student's parents.*
- All emergencies will be documented by the senior ST JOSEPH'S SCHOOL staff member present. If this is not possible then by the most senior person present.*

**Reviewed: October 2017**

## **Foreign Fee Paying Students – Pastoral Care**

- The school will abide by the requirements of the Code of Practice for Pastoral Care for International Students.
- A person will employed to provide the support required by the code of practice.
- The school will ensure that there is an orientation process in place for international students. This orientation process should be done over a period of time, in the person's first language if possible, and be relevant to their individual situation. Along with information about living in New Zealand and local information, it is also important for students to be aware of expectations such as attendance, school performance, accommodation expectations, and school expectations.
- The school will ensure that international students are aware of the support and facilities available to them. The school will provide details of how students can access support and how to make the most of facilities that are available.
- A contact support person will be available 24/7 to be contacted by an international student or their family in an emergency (this could be an international teacher accompanying group). **International students will be provided with emergency contact information and phone numbers.**
- The school will ensure that international students have the support they need, including language support, to successfully access health and safety services. Health and Safety information provided to international students will include road traffic safety, pedestrian and cycling safety, keeping safe information, water safety information, and information concerning culturally appropriate behaviour in New Zealand.
- **In order to develop competency and understanding of other cultures, cross cultural training will be provided to all staff.**
- **The school will keep up-to-date detailed contact information for all international students and their next of kin.**



- **The school will ensure that communication with students' parents is maintained on a regular basis.**
- **Written confirmation must be received from a parent or legal guardian detailing the arrangements for the end of an international student's enrolment. Enrolment for international students is determined by the beginning and end dates in the student contract.**
- If a concern is raised related to classroom learning, or social interactions between students, (or the teacher and a child), or a home matter, an appointment should be made to discuss the situation with the classroom teacher. Should the matter still not be resolved, then the Principal's advice should be sought.
- If, after consultation with the Principal, the parent or authorised representative still feels the matter has not been settled satisfactorily, a concern or complaint in writing should be forwarded directly to the Board of Trustees Chair for resolution.
- If this does not resolve the complaint, international students / parents / caregivers should contact the New Zealand Qualifications Authority (NZQA) by phone on 0800 697 296 or email [qadrisk@nzqa.govt.nz](mailto:qadrisk@nzqa.govt.nz). Or, if it is a financial or contractual dispute, contact should be made with FairWay Resolution by phone on 0800 77 44 22. More information is available on the FairWay Resolution website: <http://www.fairwayresolution.com/istudent-complaints>.

## Agents for International Students

1. Any agent acting on behalf of St Joseph's School must abide by the following ethical principles at all times :
  - practice responsible business ethics
  - provide current, accurate and honest information in an ethical manner
  - develop transparent business relationships with students and the school through the use of written agreements
  - protect the interests of minors
  - provide current and up-to-date information that enables international students to make informed choices when selecting which agent or consultant to employ
  - act professionally
  - work with our school to raise ethical standards and best practice.
2. St Joseph's School will monitor and manage the conduct of any partner agents by:
  - Learning as much as they can about the agent before entering into a partner agreement.
  - Completing and recording reference checks. References can be sought from other signatories, student families, other commercial partners, NZ Government agencies, past employers of key personnel, personal references.
  - Entering into a written contract. A written contract would out the terms and conditions for the partnership and how often to renew agent contracts. The following would normally be included in the agent's contract:
    - Expectations of the roles and duties of the agent and of the school
    - Reference to the principles listed in 1. above

- The commission, timing and circumstances for payment
  - Responsibilities for communicating with parents and legal guardians
  - Ethical standards and obligations under the Code
  - Procedures for monitoring agent performance
  - Conditions for terminating the contract
  - A declaration that the agents conduct remains ethical and does not jeopardise the school's compliance with the Code.
3. Information about agent conduct could be collected through regular feedback from students and their parents/guardians, communication with schools using the same agent, history of successful placements by the agent. The Fair Trading Act 1986 provides guidance on false, misleading and deceptive behaviour by suppliers of goods and services (Section 9 and Section 13).
  4. The school will support agents to meet their duties under an agent agreement by ensuring they have up-to-date information about the school and their responsibilities under the Code of Practice.
  5. Information provided to agents should be reviewed and updated regularly.

## **ST JOSEPH'S SCHOOL PUKEKOHE**

### **Immigration requirements for International Students**

1. Students must have a valid and appropriate visa to study in New Zealand.
2. This visa must be sighted in the student's passport.
3. The name of the school must be on the visa
4. Dates on the visa must be current.
5. The school must photocopy the title page and the visa page of the student's passport and keep this information on file along with a record the commencement and expiry dates of the visa. The school must also keep a copy of the student's insurance policy.
6. The school will report to Immigration New Zealand known or suspected breaches of visa conditions by international students. Breaches or suspected breaches should be reported as soon as they are suspected.
7. If a student's enrolment is terminated, Immigration New Zealand should be notified by completing the termination of enrolment form which can be found on the Immigration New Zealand website at <http://www.dol.govt.nz/immigration/studenttermination/>
8. If a parent is accompanying a student for the sole purpose of education in New Zealand their visa must state the name of the dependent that they are responsible for while living in New Zealand and the parent must live with the student. The school must complete routine checks to ensure that parents are living with the student and are still in New Zealand. Should the school find that a parent or legal guardian has returned to their home country Immigration New Zealand will be informed.

***Reviewed: October 2017***